

## Office Action Summary

Application No.	Applicant(s)
09/916905	Gates
Examiner	Art Unit
Jerome W Donnelly	3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on 10-29-01
- 2a)  This action is FINAL.                  2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-16 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

- 4)  Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

Jerome W. Donnelly  
Primary Examiner

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rothammer.

If an element floats the specific gravity is less than "one".

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothammer.

The examiner notes that it would have been obvious for a user to be supplied with a second separate dumbbell in each hand, i.e.; for example such as when using dumbbells.

Claims 2, 4, 15 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothammer in view of Zarecky.

The examiner notes that it would have been obvious to one of ordinary skill in the art to add additional floatation members onto the device of Rothammer in view of the additional resistance elements 42 of Zarecky.

In regard to claim 15 and 16, and as broadly claim it is not understood as to the claim language of "at the rod member there of", please be more specific or delete such language.

Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothammer in view of Schook.

Schook discloses an exercise system wherein multiple components are attached together through means for releasably joining, said means for releasably joining being manufactured from the same or similar material as the other resistance generating components of the device.

Given the above teaching of Schook the examiner notes that to connect separate component of weights and/or dumbbells together through the usage of intermediate extension members of the same material is known and obvious in the art for the purpose of increasing the resistive force provided by the exercising system when exercising.

The examiner note that it is well known and would have been obvious to one of ordinary skill in the art to manufacture the connection means, between components of Rothammer modified to include threads, in view of the thread connection means (14) of School, as a notoriously well known connection means in the art of dumbbell like exercise devices.

In regard to claim 14 the examiner note that to manufacture the connecting member of Rothammer modified wherein it includes threads is obvious in view of the fact that connectors having male or female ends are known in view of the fact that if the

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connector includes a male component the mating component must be female, thus making the connection a functional equivalent and therefore not patentably distinct, one from another.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 1) Note the feature of the connection of components by rod member's 14A and 14B in Macedo.

Note the feature of multiple components and multiple weight be attached to each other through the feature of male female threaded connections.

Donnelly/DL

June 23, 2003

Jerome W. Donnelly  
Primary Examiner

